

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA, :

Plaintiff,

v. :

RONALD TAYLOR,

Defendant. :

Case Nos. 3:04-cr-130, 3:13-cv-331

JUDGE WALTER H. RICE

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATIONS (DOC. #393) AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. #396) IN
THEIR ENTIRETY; OVERRULING DEFENDANT'S OBJECTIONS
THERE TO (DOCS. ##394, 397) AND REQUEST FOR EVIDENTIARY
HEARING; OVERRULING DEFENDANT'S "MOTION PURSUANT TO
28 U.S.C. § 2255" (DOC. #384); JUDGMENT TO ENTER IN FAVOR
OF PLAINTIFF AND AGAINST DEFENDANT; DENYING ANTICIPATED
MOTION FOR CERTIFICATE OF APPEALABILITY AND LEAVE TO
APPEAL *IN FORMA PAUPERIS*; TERMINATION ENTRY

On January 8, 2014, United States Magistrate Judge Michael R. Merz issued a Report and Recommendations (Doc. #393), recommending that the Court dismiss with prejudice Defendant's "Motion Pursuant to 28 U.S.C. § 2255" (Doc. #384), and deny a certificate of appealability. Defendant filed Objections to the Report and Recommendations (Doc. #394). The Court recommitted the matter to Magistrate Judge Merz, who filed a Supplemental Report and Recommendations (Doc. #396) on February 3, 2014. Defendant also filed Objections to the Supplemental Report and Recommendations (Doc. #397).

Based on the reasoning and citations of authority set forth by United States Magistrate Judge Michael R. Merz, in his January 8, 2014, Report and Recommendations (Doc. #393), and his February 3, 2014, Supplemental Report and Recommendations (Doc. #396), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court ADOPTS said judicial filings in their entirety. Defendant's Objections (Docs. ##394, 397) to those judicial filings are OVERRULED, as is his request for an evidentiary hearing.

Magistrate Judge Merz properly concluded that Defendant's conviction, for engaging in a continuing criminal enterprise, was not obtained in violation of Defendant's Fifth Amendment rights. He also properly found that Defendant failed to establish a violation of the Sixth Amendment right to effective assistance of counsel. Defendant's Motion Pursuant to 28 U.S.C. § 2255 (Doc. #384) is therefore OVERRULED.

Given that Defendant has not made a substantial showing of the denial of a constitutional right and, further, that the Court's decision herein would not be debatable among reasonable jurists, and because any appeal from this Court's decision would be objectively frivolous, Defendant is denied a certificate of appealability, and is denied leave to appeal *in forma pauperis*.

Judgment will be entered in favor of Plaintiff and against Defendant.

The captioned cases are hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: September 26, 2014



WALTER H. RICE
UNITED STATES DISTRICT JUDGE